Registered No. HSE-49/2016





ఆంధ్రప్రదేశ్ రాజపత్రము

THE ANDHRA PRADESH GAZETTE

PUBLISHED BY AUTHORITY

PART I EXTRAORDINARY

No.241 AMARAVATI, MONDAY , MAY 29, 2017 G.134

NOTIFICATIONS BY GOVERNMENT

--x--

ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

Compensation to Victims of Electrical Accidents Regulation, 2017

(Regulation No. 2 of 2017)

Lr.No. APERC / Secy / F.No. S-19 / 2017 Dated : 27-05-2017

Whereas Section 53 of the Electricity Act, Central Act 36 of 2003 prescribes specification of suitable measures for,-

(a) protecting the public (including the persons engaged in the generation, transmission or distribution or trading) from dangers arising from the generation, transmission or distribution or trading of electricity, or use of electricity supplied or installation, maintenance or use of any electric line or electrical plant;

(b) eliminating or reducing the risks of personal injury to any person, or damage to property of any person or interference with use of such property;

Whereas Section 73 (c) of the Electricity Act, Central Act 36 of 2003 makes it a function and duty of the Central Electricity Authority to specify the safety requirements for construction, operation and maintenance of electrical plants and electric lines;

Whereas the Central Electricity Authority, in exercise of the powers conferred by Section 177 (2) (b) of the Electricity Act, Central Act 36 of 2003, made the Central Electricity Authority (measures relating to safety and electric supply) Regulations, 2010 notified on 20-09-2010, amended by Amendment Regulations, 2015 notified on 13-04-2015;

Whereas till the said Regulations for measures relating to safety and electric supply were made, the Indian Electricity Rules, 1956 made under Section 37 (2) (f) of the Indian Electricity Act, Central Act 9 of 1910 continued to be in force providing for protection of persons and property from injury by reason of contact with, or the proximity of, or by reason of the defective or dangerous condition of, any appliance or apparatus used in the generation, transmission, supply or use of energy;

Whereas Section 67 (2) (j) of the Electricity Act, Central Act 36 of 2003 prescribes making of rules by the appropriate Government specifying the procedure for safety measures relating to Works of Licensees ('Works' are defined in Section 2 (77)) and rules were accordingly made under the Works of Licensees Rules, 2006 of the Government of India and the Andhra Pradesh Works of Licensees Rules, 2007 under G.O.Ms.No.24, Energy (PR.II) Department, dated 27-02-2007;

Whereas Sections 57 and 58 of the Electricity Act, Central Act 36 of 2003 prescribe specification of standards of performance of a licensee or a class of licensees and liability for payment of compensation as may be determined by the Appropriate Commission to the person affected by a licensee failing to meet the specified standards, without prejudice to any penalty which may be imposed or prosecution which may be initiated;

Whereas the State Commission may make Regulations consistent with the Act and the Rules providing for standards of performance of a licensee or a class of licensees under Section 57 (1) read with Section 181 (2) (za) of the Electricity Act, Central Act 36 of 2003;

Whereas the Andhra Pradesh Electricity Regulatory Commission (Licensees' Standards of Performance) Regulation, 7 of 2004 and the Andhra Pradesh Electricity Regulatory Commission (Transmission Standards of Performance) Regulation, 1 of 2007 were accordingly made, but they do not provide for compensation for injury to human beings or animals or property, in spite of providing for and ensuring their protection and safety being mandatory under the statutes and the statutory rules above referred to;

Whereas Section 161 of the Electricity Act, Central Act 36 of 2003 provides for notice of accidents and inquiries, if any accident occurs in connection with the generation, transmission, distribution, supply or use of electricity in or in connection with, any part of the electric lines or electrical plant of any person and the accident results or is likely to have resulted in loss of human or animal life or in any injury to a human being or an animal, but no provision was made for payment of any compensation to any person affected;

Whereas the Andhra Pradesh Electricity Reform Act, State Act 30 of 1998 makes the Andhra Pradesh Electricity Regulatory Commission responsible to discharge the function of laying down standards of performance for the licensees in regard to services to consumers under Section 11 (1) (b) and promoting safety in the use of electricity in the State under Section 11 (1) (d) and empowers the Commission to frame Regulations prescribing the standards of performance under Section 33, determine the standards of overall performance under Section 34 and collect information on the levels of performance under Section 35 and make Regulations providing for the determination of the stan-

dards of performance of the persons involved in the generation, transmission, distribution and supply of electricity in the State under Section 54 (2) (i) of the said Act;

Whereas a rash or negligent act endangering human life or the personal safety of others is made punishable under the Indian Penal Code, 1860 per se under Section 336, if it causes hurt under Section 337, if it causes grievous hurt under Section 338 and if it causes death under Section 304-A of the Indian Penal Code, Central Act XLV of 1860;

Whereas an act or illegal omission thus endangering human life or the personal safety of others or causing hurt or grievous hurt or death, as the case may be is also an actionable civil wrong leading to liability for compensation;

Whereas the doctrine of strict liability has been consistently held by judicial precedents to be imposing a liability on a person undertaking an activity involving hazardous or risky exposure to human life to compensate for the injury suffered by any other person, irrespective of any negligence or carelessness on the part of that person and even if measures to prevent mishaps have been adopted; Whereas the Jurisprudential technicalities, procedural complications and proverbial law's delays deprive the victims of electrical accidents from getting prompt and adequate relief and humanitarian considerations mandate provision of a prompt and adequate relief;

Whereas the Andhra Pradesh Electricity Regulatory Commission has decided to, therefore, make Regulations for protecting human beings, animals and property from any risk of any injury arising from the generation, transmission, distribution, trading, supply or use of electricity or installation, construction, maintenance, operation oruse of any works and to provide for liability for payment of compensation to the persons affected by a licensee failing to meet the specified standards eliminating or reducing the risk of any loss of human or animal life or any injury to any human being or animal or property;

Therefore, in exercise of the powers conferred on it by Section 57 (1) read with 181 (2) (za) of the Electricity Act, Central Act 36 of 2003 and Section 54 (2) (i) of the Andhra Pradesh Electricity Reform Act, State Act 30 of 1998 and all other powers hereunto enabling, the Andhra Pradesh Electricity Regulatory Commission hereby makes the following Regulation:

CHAPTER – I
PRELIMINARY

1. Short title, extent and commencement:

(1) This Regulation may be called The Andhra Pradesh Electricity Regulatory Commission Compensation to Victims of Electrical Accidents Regulation, 2017.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on the 1st day of June, 2017.

2. Definitions:

(1) **‘The Commission’** means the Andhra Pradesh Electricity Regulatory Commission.

(2) **‘Dependents’** mean persons who are entitled to succeed to the estate of the deceased as per the personal law by which the deceased was governed;

(3) **‘Grievous hurt’** means grievous hurt as defined in Section 320 of the Indian Penal Code, Central Act XLV of 1860;

(4) **‘Hurt’** means hurt as defined in Section 319 of the Indian Penal Code, Central Act XLV of 1860;

(5) **‘Licensee’** means a person who has been granted a licence under Section 14 of the Electricity Act, Central Act 36 of 2003, including a deemed licensee under the said provision;

3. Interpretation: Words and expressions used and not defined in this Regulation but defined in the Electricity Act, Central Act 36 of 2003 or The Andhra Pradesh Electricity Reform Act, State Act 30 of 1998 or the rules or regulations made thereunder, shall have the meanings respectively assigned to them therein.

CHAPTER – II
STANDARDS OF PERFORMANCE

4. Safety Standards:

(1) The works of licensees shall be so installed, constructed, maintained or operated or used as to protect the public (including the persons engaged in the generation, transmission or distribution or trading) from dangers arising from the generation, transmission or distribution or trading of electricity or use of electricity supplied and eliminate the risks of any personal injury to any person or damage to the property of any person.

(2) The licensees shall comply with all the mandatory safety requirements and take all necessary measures to protect human beings, animals and property from injury by reason of contact with, or the proximity of, or by reason of the defective or dangerous condition of any appliance or apparatus used in the generation, transmission, distribution, supply or use of energy.

(3) The licensees shall strictly comply with the Central Electricity Authority (measures relating to safety and electric supply) Regulations, 2010 as amended from time to time and any further suitable measures or requirements that may be specified by the Central Electricity Authority under Section 53 (a) and (b), Section 73 (c) and Section 177 (2) (b) of the Electricity Act, Central Act 36 of 2003 relating to safety and electric supply.

5. Liability for compensation:

(1) The licensee failing to meet the standards of performance specified in clause No.4 above shall be liable to pay compensation as specified in this Regulation to the person affected for loss of human or animal life or injury to human beings or animals or property in consequence of an electrical accident.

(2) Whether or not there has been any wrongful act, omission, rashness, neglect or default on the part

of the licensee as would entitle the person affected to maintain a civil action for recovery of any damages or compensation or maintain a prosecution for invoking criminal liability in respect thereof, the licensee shall, notwithstanding anything contained in any other law, be liable to pay compensation to such extent as specified in this Regulation, if an electrical accident occurs, resulting in loss of human or animal life or injury to human beings or animals unless the electrical accident primarily was not due to the failure of the licensee to meet the standards of performance but was a direct or proximate result of intervention of some other extraneous reason or cause:

Provided that the liability to pay compensation in respect of injury to property arises only if there has been any wrongful act, omission, rashness, neglect or default on the part of the licensee

Provided further that if the loss of human life is due to suicide or homicide or the injury to a human being is due to an attempt to commit suicide or homicide, the licensee shall not be liable to pay any compensation for the same under this Regulation.

CHAPTER – III
COMPENSATION

6. Quantum of compensation:

(1) The compensation payable for loss of human life as a result of an electrical accident shall be Rupees five lakhs per person.

(2) The compensation payable for loss of animal life as a result of an electrical accident shall not exceed a maximum of Rupees one lakh per animal, subject to determination of the reasonable compensation payable for such animal in accordance with this Regulation.

(3) The compensation payable for injury to human beings or animals or property shall be reasonably assessed and fixed in accordance with this Regulation and hurt and disablement of different descriptions shall be separately and independently compensated similarly in accordance with clauses 7 to 12 below.

7. Permanent Total Disablement: If an injury to a human being caused due to an electrical accident resulted in a permanent total disablement, the compensation payable shall be Rupees five lakhs.

8. Permanent Partial Disablement: If an injury to a human being caused due to an electrical accident resulted in a permanent partial disablement, the compensation payable shall be equal to the same percentage out of a maximum amount of Rupees five lakhs subject to a minimum of Rupees one lakh.

9. Grievous Hurt: If an injury to a human being caused due to an electrical accident resulted in grievous hurt, the compensation payable shall be subject to a maximum of Rupees one lakh.

10. Hurt: If an injury to a human being caused due to an electrical accident resulted in hurt, the compensation payable shall be subject to a maximum of Rupees twenty thousand. 11. Temporary Total Disablement: If the grievous hurt so caused resulted in temporary total disablement for any period, the

compensation payable shall be subject to a minimum of Rupees fifty thousand and a maximum of Rupees one lakh.

12. Temporary Partial Disablement: If the grievous hurt so caused resulted in temporary partial disablement for not less than a fortnight, the compensation payable shall be subject to a minimum of Rupees twenty five thousand and a maximum of Rupees fifty thousand.

13. Medical Expenses: The actual expenses incurred during the period of hospitalization and/or treatment for the injuries suffered due to an electrical accident, shall also be paid to the injured or the dependents of the deceased, as the case may be, in addition to the compensation specified above.

14. Assessment of Compensation: The quantum of compensation payable in respect of death or injury to a human being or an animal or injury to property shall be arrived at by the Chairman and Managing Director of the licensee concerned on such information, material and evidence considered by him to be relevant and collected by him in such manner as deemed appropriate and feasible:

Provided that the persons affected are also at liberty to place such information, material and evidence on all factors relevant to an acceptable assessment of compensation before the Chairman and Managing Director of the licensee concerned and he shall duly consider the same in arriving at the quantum of compensation payable.

15. Other rights and remedies unaffected: The right of any person to claim compensation as above shall not affect the right of any such person to recover the compensation payable under the Workmen's Compensation Act, Central Act 8 of 1923 or any other law for the time being in force but the amount paid as compensation under this Regulation shall be duly given credit to in any such compensation payable under any such statutory or civil or other liability.

16. Contracts or Schemes Unaffected: The right of any person to otherwise claim compensation under any contract or scheme providing for payment of compensation for death or personal injury or damage to property or any sum payable under any policy of insurance shall remain unaffected by any payment of any sum made under this Regulation.

17. Periodical revision of the quantum of compensation: The Commission may, in consultation with the licensees and for reasons to be recorded in writing, enhance the limits of compensation specified respectively in clauses (6) to (12) above, on expiry of a period of two years from the date of this Regulation coming into force and thereafter, on expiry of two years from each enhancement.

CHAPTER-IV
PROCEDURE

18. Occurrence report of an Electrical Accident:

In addition to and independent of the intimation of accident to be sent under Rule 3of the Intimation of Accidents (Form and Time of Service of Notice) Rules, 2012 made under G.O.Ms.No.7, Energy (Services) Department of the Government of Andhra Pradesh dated 13-02-2012, the Additional Assistant Engineer or the Assistant Engineer of the licensee concerned shall send a report through a special

messenger to the Divisional Engineer concerned forthwith on the knowledge of an electrical accident in the form set out in Annexure-I to this Regulation so as to reach the said Divisional Engineer within twenty four hours of the electrical accident.

19. Enquiry Report:

The Divisional Engineer shall, within 15 days from the receipt of a report of an electrical accident, submit a detailed report through proper channel to the Chairman and Managing Director of the licensee concerned after conducting a detailed enquiry into the said accident and the report of the Divisional Engineer shall also make specific recommendations on the quantum of compensation and persons entitled to the same.

20. Verification and Final Orders:

i) The Chairman and Managing Director of the licensee may cause verification of the contents of the occurrence report of the Additional Assistant Engineer or Assistant Engineer and the Enquiry Report of the Divisional Engineer, by himself or through such other officer of the licensee he may duly authorize in this behalf and assess the compensation in the manner provided by clause 14 above.

ii) The Chairman and Managing Director of the licensee may thereupon pass final orders determining the quantum of compensation payable and the persons entitled to the same, namely the dependents of the deceased person or the injured person or the owner of the animal or the property, as the case may be.

iii) Such verification, assessment and passing of final orders on any compensation payable and the persons to whom it is payable shall be completed within 15 days from the date of receipt of a report from the Divisional Engineer:

Provided that for reasons to be recorded in writing, such verification and final orders may be made within a period of 30 days from the date of receipt of the enquiry report from the Divisional Engineer.

21. Communication of the Final Order:

The licensee shall communicate a copy of the final orders passed by it on any claim for compensation arising out of an electrical accident to the claimants and the persons entitled within seven days of the passing of any such order.

22. Payment of Compensation:

The compensation shall be paid to the persons entitled to the same within fifteen days from the date of the final orders of the Chairman and Managing Director.

23. Claim to be optional:

The dependents of a person who died in an electrical accident or a person affected by the injury caused to himself or an animal or property are at liberty to make a claim for compensation in the form set out in Annexure-II to this Regulation presented in person or sent by post to the Chairman and Managing Director of the licensee concerned who shall cause such claim to be enquired into and determined in

accordance with this Regulation:

Provided that irrespective of making of such a claim or not, the determination of the quantum of compensation and the persons entitled to the same shall be made in accordance with this Regulation whenever such compensation is payable under this Regulation.

24. Certification of disability:

The guidelines for evaluation of various disabilities and procedure for certification as per the comprehensive orders issued in G.O.Ms.No.31, Women Development, Child Welfare and Disabled Welfare (DW) Department of the Government of Andhra Pradesh dated 01-12-2009, as amended from time to time, shall govern the certification of disability for the purposes of this Regulation and a certificate for person with disability issued in the prescribed proforma under Annexure-II of the said Government Orders shall be considered as evidence of such disability for the purposes of this Regulation.

25. Presumption:

The occurrence of an electrical accident resulting in loss of human or animal life or injury to human beings or animals shall, for the purposes of assessing the liability of a licensee for compensation, be presumed to be probablising the licensee failing to meet the safety standards of performance specified in clause No.4 herein and the burden of proving to the contrary shall lie on the licensee.

26. Interest:

The quantum of compensation determined by the final orders of the Chairman and Managing Director of the licensee concerned shall be paid at any rate within six months from the date of the electrical accident and if such payment is delayed further for any reason, the same shall be paid from that date with interest at 18% per annum till the date of payment.

27. Disputes about entitlement:

If there is any dispute or difference regarding the entitlement to compensation on the death of a human being in an electrical accident or the ownership of an animal or property involved in an electrical accident which cannot be satisfactorily decided in accordance with this Regulation, the Chairman and Managing Director of the licensee concerned may refer the disputants to a civil court of competent jurisdiction.

28. Payment from reserve fund:

The payment of compensation ordered under this Regulation shall be from the reserve fund provided in the Aggregate Revenue Requirement for the Retail Supply business of the distribution licensees in the Order on tariff determination for retail sale of electricity for that financial year by the relevant orders of the Andhra Pradesh Electricity Regulatory Commission:

Provided that any such compensation payable in respect of an electrical accident involving the Transmission Corporation of Andhra Pradesh Limited shall be paid by the distribution

licensee having territorial jurisdiction over the place of the electrical accident and the same shall be deducted by the said distribution licensee from the transmission tariff payable to the Transmission Corporation of Andhra Pradesh Limited.

Provided further that for the above purpose, the Chairman and Managing Director of the Transmission Corporation of Andhra Pradesh Limited shall communicate his final orders fixing the quantum of compensation and the persons entitled to the same to the Chairman and Managing Director of the distribution licensee concerned for implementation.

29. Jurisdiction of Consumer Grievances Redressal Forum and Vidyut Ombudsman:

Any person aggrieved by the final orders of the Chairman and Managing Director of the licensee concerned on the quantum or entitlement to compensation shall be deemed to have a grievance within the meaning of Regulation 2.7 of Andhra Pradesh Electricity Regulatory Commission Consumer Grievances Redressal Forum, Vidyut Ombudsman and Consumer Assistance Regulation, 3 of 2016 and shall be entitled to make a complaint to the Consumer Grievances Redressal Forum having jurisdiction over the place of the electrical accident and the said complaint shall be dealt with and decided in accordance with the said Regulation:

Provided that the order of the Consumer Grievances Redressal Forum shall be further subject to a representation to the Vidyut Ombudsman which shall also be dealt with and decided in accordance with the said Regulation. Provided further that the chapter-IV / Consumer Assistance of the said Regulation shall be squarely applicable to all matters arising under this Regulation and the nodal officer of the licensee under that Regulation shall be deemed to be the nodal Officer of the distribution licensee concerned and the Joint Managing Director of the Transmission Corporation of Andhra Pradesh Limited designated by the Chairman and Managing Director of the transmission Licensee shall be the nodal officer for the said purpose under this Regulation.

30. Consequences of non-compliance:

Non-compliance with the orders or directions of the Commission under this Regulation and contravention of any of the provisions of the Statutes or the Rules or Regulations made thereunder concerning the subject matter of this Regulation shall be deemed to be non-compliance and contravention within the meaning of Sections 142 and 146 of Electricity Act, Central Act 36 of 2003.

31. Information to the Commission:

The licensees shall submit to the Andhra Pradesh Electricity Regulatory Commission by 15th of every succeeding month, the details of the electrical accidents occurring within their respective jurisdictions and action taken thereon in accordance with this Regulation.

32. Assistance to dependents and victims:

The licensee concerned shall ensure extending all possible assistance and help to the dependents of a deceased human being or the victims of an electrical accident to the extent possible to get over the consequences of an electrical accident, more particularly, medical treatment and physical rehabilitation.

CHAPTER - V
MISCELLANEOUS

33. Residuary Provisions:

(i) The provisions of this Regulation shall be in addition to and not in derogation of the provisions of any other law or rules or regulations or scheme or contract for the time being in force.

(ii) Nothing in this Regulation shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary for meeting the ends of justice or to prevent the abuse of the process of the Commission.

(iii) Nothing in this Regulation shall bar the Commission from adopting a procedure which is at variance with any of the provisions of this Regulation, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing deems it necessary or expedient.

(iv) Nothing in this Regulation shall, expressly or impliedly, bar the Commission to deal with any matter or exercise any power under the Electricity Act, Central Act 36 of 2003 for which no Regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner it deems fit.

(v) Subject to the provisions of the Electricity Act, Central Act 36 of 2003 and this Regulation, the Commission may, from time to time, issue orders and practice directions in regard to the implementation of this Regulation and

procedure to be followed on various matters which the Commission has been empowered by this Regulation to specify or direct.

(vi) The Commission may, at any time add, vary, alter, modify, delete or amend any provisions of this Regulation.

(vii) If any difficulty arises in giving effect to any of the provisions of this Regulation, the Commission may, by general or special order, do anything not being inconsistent with the provisions of the Electricity Act, Central Act 36 of 2003, which appears to it to be necessary or expedient for the purpose of removing the difficulties.

(viii) The Commission shall have the power, for reasons to be recorded in writing and with notice to the affected parties, to dispense with the requirements of any of the clauses in this Regulation in a specific case or cases subject to such terms and conditions as may be specified.

ANNEXURE I
OCCURRENCE REPORT

1. Date & Time of accident:

2. Place of accident:
   (Village/Town, Mandal, District)

3. Designation of the Officer-in-charge of the Licensee in whose jurisdiction the accident occurred:

4. Nature & Details of the accident:

5. Details of Victim(s) (Fatal/Non-Fatal):

   (a) Human
   (b) Animal
   (c) Property

6. Detailed causes leading to the accident: (Use a separate sheet and attach it to this form, if needed):

7. Details of the persons who witnessed the accident: (Name, designation, address etc.,):

8. Action Taken:

9. Any other information:

Signature

Name & Designation

ANNEXURE II
CLAIM FORM FOR PAYMENT OF COMPENSATION

1. Date & Time of accident:
2. Place of accident:
3. Details of the accident:
4. Details of the deceased or Injured person(s):
   a. Name (s):
   b. Age:
   c. Sex:
   d. Address:
   e. Occupation:
5. Details of the dead or injured animal(s)
   a. Description:
   b. Age:
   c. Value:
6. Details of the Property:
   a. Description:
   b. Value:
7. In case of non-fatal accidents, details of temporary/permanent/total/partial disabilities suffered, if any: (Enclose a certificate issued by the relevant District Medical Board or the Appellate Authority)
8. Details of the dependents:
9. Whether or not an FIR is registered by the Police:

Signature of the claimant(s)

Name of the claimant(s)

Relationship with the deceased/injured/animal/property

To be enclosed to the extent they can be reasonably secured apart from any other information which the claimant(s) feel relevant:

For Humans:

1. Proof of identity of the claimant
2. A copy of the FIR, if registered
3. A copy of the post mortem report, if conducted
4. A copy of the inquest report/ panchanama, if conducted
5. A copy of the Death certificate or wound certificate, if issued
6. A copy of any photo of the deceased or injured person (after the accident), if available
7. Evidence of relationship with the deceased
8. Evidence of expenses of hospitalization and treatment.

For Animals:

1. Proof of identity of the claimant
2. A copy of the FIR, if registered.
3. A copy of the post mortem report, if conducted..
4. A copy of the inquest report/ panchanama, if conducted.
5. A copy of the Death certificate or wound certificate, if issued.
6. A copy of any photo of the deceased or injured animal (after the accident), if available
7. Evidence of ownership and value of the animal(s).

For Property:

1. Proof of identity of the claimant.
2. A copy of the FIR, if registered.
3. A copy of the panchanama , if conducted.
4. Evidence of ownership and value of property.

(BY ORDER OF THE COMMISSION)

Hyderabad
27-05-2017

Dr. A.SRINIVAS,
Secretary (i/c)